

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

JESSICA DAVIS,

Plaintiff,

v.

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,

Defendant.

Civil Action No. 1:23-cv-1432 (PTG/IDD)

ORDER

This matter comes before the Court on the December 11, 2024 Report and Recommendation (“R&R”) from Magistrate Judge Ivan D. Davis regarding Defendant’s Motion to Dismiss for Failure to State a Claim, or, in the Alternative, Motion for Summary Judgment (Dkt. 4). Dkt. 12. Judge Davis advised the parties that objections to the R&R must be filed within fourteen (14) days of service and failure to object waives appellate review. Dkt. 12 at 6. To date, no objections have been filed.

After reviewing the record and Judge Davis’ Recommendation, and finding good cause, the Court hereby **APPROVES** and **ADOPTS** the findings Judge Davis set forth in the R&R (Dkt. 12). Accordingly, it is hereby

ORDERED that Defendant’s Motion for Summary Judgment (Dkt. 4) is **GRANTED**.¹

The Clerk of Court is directed to enter a Rule 58 judgment in favor of Defendant.

¹ As stated in the R&R, the Court construes the motion (Dkt. 4) as a motion for summary judgment instead of as a motion to dismiss.

It is **SO ORDERED**.

This is a final order for the purposes of appeal. To appeal this decision, Plaintiff must file a written notice of appeal with the Clerk of the Court within sixty (60) days of the date of entry of this Order. A notice of appeal is a short statement indicating a desire to appeal, including the date of the order Plaintiff wants to appeal. Plaintiff need not explain the grounds for appeal until so directed by the court of appeals. Failure to file a timely notice of appeal waives Plaintiffs right to appeal this decision.

Entered this 24th day of March, 2025
Alexandria, VA



Patricia Tolliver Giles
United States District Judge